

# Attachment G

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13 Attorneys for Negranti & Sons, a California corporation,  
and Mainini Management Company, a California limited  
14 liability company, Petitioners

15  
16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 IN AND FOR THE COUNTY OF SAN LUIS OBISPO

18 NEGRANTI & SONS, a California corporation;  
MAININI MANAGEMENT COMPANY LLC,  
19 a California limited liability company,

20 Petitioners,

21 v.

22 SAN LUIS OBISPO COUNTY, a Division of  
the State of California; and DOES 1-20  
23 inclusive,

24 Respondents.

Case Number: CV 130157

[PROPOSED] STIPULATED JUDGMENT

*[Assigned for all purposes to the Honorable  
Barry T. LaBarbera]*

25 IT IS HEREBY STIPULATED by and between the parties, by and through their attorneys of  
26 record, that judgment may be entered as follows:

27 1. Respondent County of San Luis Obispo ("County") shall conduct a hearing before the  
28 County Board of Supervisors to determine the scope of the vested rights of petitioners Negranti &

1 Sons ("Negranti") and Mainini Management Company LLC ("Mainini") (collectively referenced  
 2 herein as "Petitioners") to conduct surface mining and quarrying at the Whale Rock Quarry (CA  
 3 Mine ID # 91-40-0010) ("Quarry") located in the Cayucos, California.

4 2. The vested rights hearing shall be conducted in accordance with Title 22 of the  
 5 County Code and with the procedures described in the document attached hereto as Exhibit A and  
 6 incorporated herein by reference.

7 3. The vested rights hearing shall be held on a date that is mutually agreeable to  
 8 Petitioners and the County (collectively referenced herein as the "Parties") and may be continued  
 9 from time to time as agreed to by the Parties.

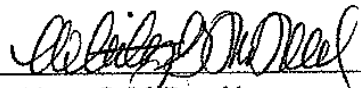
10 4. This Stipulated Judgment acts a full and complete settlement of the claims asserted in  
 11 by Petitioners in the Petition for Writ of Mandate and Complaint for Declaratory Relief filed in this  
 12 action.

13 5. The Parties' acceptance of this Stipulated Judgment shall not operate as an admission  
 14 of liability on the part of any party hereto.

15 6. Each party shall bear their own attorneys' fees and costs of suit.

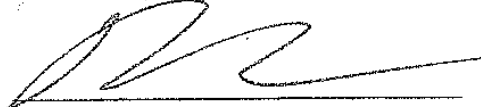
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 17 Dated: 1/2/14

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22 Dated: 1/2/14

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 28 Company, a California limited liability  
 company

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**JUDGMENT ORDER**

Based upon the above terms stipulated by the Parties, and for good cause having been shown,  
this Stipulated Judgment is entered as recited herein.

**IT IS SO ORDERED.**

DATED: JAN 03 2014

AS/ BARRY T. LABARBERA

BARRY T. LABARBERA  
JUDGE OF THE SUPERIOR COURT

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### **Vested Rights Hearing Procedures**

#### **I. Vested Right(s) – Definition.**

The term “vested right” shall have the same meaning as that described in section 22.36.040, subsection D, of the San Luis Obispo County Code.

#### **II. Vested Right(s) Hearing Procedure.**

A. Notice of hearing. Notice of a public hearing shall be given as follows:

1. Content of notice. Notice of a public hearing shall contain the information required by Government Code Section 65094.
2. Method of notice/distribution. Notice of public hearings in compliance with County Code section 22.70.060 shall be given as provided by Government Code Section 65091.

B. Scheduling of hearing. The hearing shall be scheduled for a date mutually agreeable to the Parties.

#### **III. Hearing Sequence.**

A. The public hearing shall normally proceed in the following manner:

1. Identification of the record.
2. County staff presentation;
3. Statements on behalf of the Claimant;
4. Statements on behalf of the public;
5. Rebuttal on behalf of the Claimant;
6. Motion to close the public hearing;
7. Board deliberation and determination.

B. Notwithstanding the above, the Chairman of the Board may in the exercise of discretion, determine the order of the proceedings, provide for additional testimony, or provide for additional rebuttal.

C. The Chairman of the Board may impose reasonable time limits.

D. All statements of fact made at the hearing shall be made under oath as administered by the Clerk of the Board.

E. The public hearing shall be recorded either electronically or by other convenient means.

## **Exhibit A**

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**IV. Evidence.**

- A. Relevant evidence in a proceeding for determination of a claim of vested rights shall be written or oral evidentiary statements or material demonstrating or delimiting the existence, nature and scope of the claimed vested right(s). Such evidence shall include, but is not limited to, evidence of any permit or authorization to conduct mining operation on the property in question prior to January 1, 1976, evidence of mining activity commenced or pursued pursuant to such permit or authorization, and evidence of any zoning or land use restrictions applicable to the property in question prior to January 1, 1976. As to any land for which the Claimant assert a vested right for expansion of operations, the Claimant shall produce evidence demonstrating that the Claimants intended to expand into such areas. Such evidence shall be measured by objective manifestations, and not subjective intent at the time of passage of the law, or laws, affecting the Claimant's right to continue surface mining operations without a permit.
- B. Presentation of evidence shall conform to the order of statements presented in the hearing procedure. Presentation and admission of evidence need not conform to the California Evidence Code.

**V. Vested right(s) Determination.**

Following the public hearing, the Board shall determine whether the Claimant, by a preponderance of the evidence, has demonstrated a claim for vested rights pursuant to Public Resources Code Section 2776. The determination shall identify upon what specific property the vested rights are established and the scope of the nature of surface mining operations included within the established vested right(s). Following adoption of the Board's determination, notification shall be made to the Claimant and any person who has requested such notice.

**VI. Effect of Vested Right(s) Determination.**

A determination by the Board recognizing a claim of vested rights shall constitute acknowledgement that the specific surface mining operations as identified upon specific property or properties does not require a permit under Public Resources Code Section 2770 provided that no substantial change may be made in such mining operations.

**Exhibit A**